HVN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 17 OF 2006
IN
F.E.R.A. APPEAL (ST) NO. 39047 OF 2003

Union of India and anr. ... Applicant

Versus

Shri. Suresh Kumar Kabra ... Respondent

Mr. R.V. Desai with Mr. A.S. Rao i/by T.C. Kaushik for the Applicant.

CORAM: F.I. REBELLO &
J.P.DEVADHAR, JJ.
DATED: AUGUST 10, 2007

P.C.:

. The appellants preferred this application for condonation of delay of 10 days. It is their case that the order was passed on 27.5.2003 and was received by them on 31.7.2003. The appeal was filed on 10.10.2003.

. On the other hand on behalf of the respondents, the learned counsel submits that in so far as respondent is concerned, the order was received on 4th June, 2003 at Delhi and in these circumstances, the appellants also must have received the same on or about the same date. It is not possible for us to accept such presumption. We proceed on the basis of the affidavit made in this court and the same have not been controverted by any documentary

evidence. The cause shown in our opinion would amount to sufficient case. In the light of that application allowed in terms of Prayer Clause (a). Office to register the appeal.

(J.P.DEVADHAR, J.) **(F.I.REBELLO, J.)**